

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

LOGAN DEVELOPERS, INC., dba LOGAN)

HOMES,)

Plaintiff,)

v.)

HERITAGE BUILDINGS, INC., VIVEK SIKKA,)

ROBERT GARY and ELIZABETH GARY,)

Defendant.)

JUDGMENT IN A CIVIL CASE

CASE NO. 7:12-CV-323-F

Decision by Court.

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to the court's order dated 9/30/2013 [DE-54], Heritage's motion to dismiss is ALLOWED in part and DENIED in part. The motion is ALLOWED as to counts five, six and seven and those counts are hereby DISMISSED WITH PREJUDICE. The motion is DENIED as to counts four and eight.

IT IS FURTHER ORDERED that Heritage's motion for summary judgment is ALLOWED in its entirety. Because the court concludes that the Southport is not an infringing copy of the Ocracoke, the primary copyright infringement claims (counts one and two) are DISMISSED. The Digital Millennium Copyright Act claim, the contributory infringement claim against the Garys and the permanent injunction claim (counts three, four and eight) are also DISMISSED because they depend on a finding that the Southport infringes the Ocracoke. Logan's motion for summary judgment is DENIED. The motion to seal is DENIED WITHOUT PREJUDICE to Heritage to submit a properly-supported motion to seal within seven calendar days from the date the order is entered in the docket. In the event no motion to seal is filed within that time frame, the Clerk of Court is DIRECTED to unseal docket entries 66-2 and 66-3. The Clerk of Court is DIRECTED to close this case.

This Judgment Filed and Entered on June 5, 2014, and Copies To:

David A. Roberts (via CM/ECF Notice of Electronic Filing)

Auley McRae Crouch, III (via CM/ECF Notice of Electronic Filing)

Anthony J. Biller, (via CM/ECF Notice of Electronic Filing)

Emily Michele Haas (via CM/ECF Notice of Electronic Filing)

DATE

June 5, 2014

JULIE A. RICHARDS, CLERK

/s/ Susan K. Edwards

(By) Susan K. Edwards, Deputy Clerk